

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

NATHANIEL GREEN,

Petitioner,

V.

SARAH M. REVELL, et al.,

Respondents.

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Civil No. **07-304-DRH**

ORDER

PROUD, Magistrate Judge:

Before the Court is petitioner Green's motion for default judgment in light of respondent's failure to file a timely response to the petition for writ of habeas corpus. **(Doc. 9).**

A review of the record reveals that default has never been entered; therefore, the subject motion is procedurally premature. *See Fed.R.Civ.P. 55.* Moreover, the Court previously extended the deadline for respondent's response, and respondent has now filed a response. **(Docs. 15 and 16).**

IT IS THEREFORE ORDERED that the subject motion is **DENIED AS PREMATURE.**

IT IS SO ORDERED.

DATED: September 12, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE